

C A L I F O R N I A



Victim Compensation & Government Claims Board

YOUR RESTITUTION RESPONSIBILITIES

A BROCHURE FOR ADULT AND JUVENILE OFFENDERS

Arnold Schwarzenegger

Governor, State of California

*Helping California Crime
Victims Since 1965*

800.777.9229
www.victimcompensation.ca.gov

What is restitution?

Restitution is the payment of money to a victim who suffered losses due to your criminal conduct. You must pay restitution to the victim of the crime you committed for any monetary losses you caused during that crime. Those losses might include stolen cash or property, medical bills, car repair bills, funeral expenses, or other costs. Repaying a victim for losses is your responsibility. The law requires the judge to order you to pay restitution fines and orders, other fines, and penalty assessments.

Restitution Orders

What is a restitution order?

The judge issues a restitution order when a victim has losses because of the crime you committed. The law requires the judge to order you to pay the entire amount of the victim's expenses from the crime. You cannot negotiate the amount. The order cannot be waived if you don't have the ability to pay.

If you are sentenced before the victim's losses are determined, the judge can order restitution with a condition that the amount is "to be determined." Once the victim knows the expenses, and gives them to the judge, the judge will order you to pay that amount.

You may also be responsible for expenses that family members of the victim may have, such as counseling expenses or funeral costs.

Where does the money from the restitution order go?

The money you pay toward a restitution order goes to the victim to pay for the losses caused by your criminal offense(s). However, when the Victim Compensation Program has already paid for the victim's losses, the judge must order you to repay the Victim Compensation Program so it can continue to help other victims of crime.

Is a restitution order a life-long debt?

Yes. A restitution order does not go away until it is paid. It is your legal obligation to pay. At any time, if you do not pay your restitution, the victim can enforce the restitution order as if it were a civil judgment.

Restitution Fines

What is a restitution fine?

State law requires all offenders to pay a restitution fine when convicted or found guilty of committing a crime. It is part of your punishment. When you are sentenced, the judge must order you to pay at least the minimum restitution fine. The fine cannot be waived because you do not have the ability to pay.

The judge will require you to pay the following:

- Adult misdemeanor convictions - at least \$100 and not more than \$1,000

- Adult felony convictions - at least \$200 and not more than \$10,000
- Juvenile misdemeanors - not more than \$100
- Juvenile felonies - at least \$100 and not more than \$1,000

When a restitution fine for **more than the minimum amount** is being considered, the judge will look at the seriousness of your crime, the victim's losses, and your ability to pay. Even if you cannot pay now, the judge will consider your future earning ability.

Where does the money from the restitution fine go?

The money you pay toward a restitution fine goes into the Restitution Fund, an important funding source for the Victim Compensation Program. This program helps victims of many kinds of crime, including assault, domestic violence, sexual assault, and molestation. The program can also help the family members of crime victims.

What does the Victim Compensation Program pay for?

- Medical and dental treatment
- Mental health counseling
- Income loss, if the victim is disabled because of the crime
- Funeral and burial expenses

- Loss of support, for dependents when a victim is killed or disabled because of the crime
- Job retraining, if the victim is disabled because of the crime
- Home or vehicle modifications, if the victim is disabled because of the crime
- Home security
- Relocation
- Insurance co-payments
- Crime scene cleanup, when a crime happens in someone's home
- Childcare services, when the caregiver is killed or disabled because of the crime

Paying Your Restitution

How do I pay my restitution order and fines?

The ways you can pay restitution will depend on your individual case. Restitution collection methods differ from county to county. Restitution is usually collected by one of the following entities:

- Court
- Probation Department
- Revenue Collections for the county
- Parole officers
- Local facilities such as jail or juvenile hall
- Franchise Tax Board
- California Department of Corrections and Rehabilitation (CDCR)

- CDCR Division of Juvenile Justice
- Victim Compensation and Government Claims Board

If I am a minor, are my parents or guardians responsible for my restitution obligations?

Yes. A parent or guardian who has joint or sole legal and physical custody of a minor offender is responsible for the minor's restitution obligations. Restitution obligations may include restitution orders, fines, and penalty assessments.

If parents or guardians cannot afford to pay restitution, they must show the judge proof. If they cannot pay now, the judge will consider the parents' or guardians' future earning ability.

What if I am placed on probation?

Under normal circumstances, you will either make payment arrangements with your probation officer, or the judge will determine your payment amounts as part of the court order. Payments are usually made to the probation office, a court collection unit, or the county's office of revenue and recovery. If you are placed on probation, the restitution fines and orders that were ordered by the judge will be made a term of your probation.

What if I am sentenced to prison?

The CDCR will collect restitution payments. Each month, they will take a certain amount of your prison bank account deposits (also called your trust account deposits) to pay your restitution orders and fines.

What if I am sent to the CDCR Division of Juvenile Justice?

If you are sent to a Division of Juvenile Justice institution, there are four ways you can pay your restitution:

- You or your family may make voluntary payments at any time. If you make voluntary payments you will avoid administrative fees.
- If you are employed with the Free Venture Program, 15% of your wages will automatically go toward paying off your restitution.
- If you are placed in an institution, half of your incoming deposits, including ward pay, will be deducted from your trust account to pay your restitution fines and orders.
- If you are employed while on parole, your parole agent will establish a payment plan.

What happens if I don't pay?

- Failure to make your restitution payments may be a violation of the terms and conditions of your probation or parole.
- If you do not pay your restitution fine, the state will take money from your paycheck or bank account.
- If you do not pay your restitution order, the order is fully enforceable by the victim and the Victim Compensation Program as if it were a civil judgment. Victims and the program may take money from your paycheck or bank account.
- If you are a juvenile offender and do not pay your restitution in full, you will not receive an honorable discharge from the Division of Juvenile Justice.

- If you are a juvenile offender and do not pay your restitution in full, the judge may deny your request to remove your conviction from your record.

When you are released from prison, or discharged from probation, parole, or the Division of Juvenile Justice, the county and/or the state may send unpaid restitution debts to the Franchise Tax Board for collection.

What if I am currently on parole and want to move out of state?

You must pay all outstanding restitution fines and orders before you are allowed to leave the state.

For more information, call the **CDCR Office of Victim and Survivor Services** at **877.256.OVSS (6877)**.

What if I am currently on juvenile parole and want to move out of state?

Contact your supervising parole agent.

For more information about how to pay your restitution, contact:

California Department of Corrections and Rehabilitation, Office of Victim and Survivor Services

For crimes involving adult and juvenile offenders, call **877.256.OVSS (6877)** or e-mail **ovssinet@cdcr.ca.gov**

For more information contact:

**Victim Compensation and
Government Claims Board
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